

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:05 CR 482 SNL
	)	DDN
MATTHEW PATEN,	)	
	)	
Defendant.	)	

**ORDER AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

This action is before the Court upon the pretrial motions of the parties which were referred to the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(b). An evidentiary hearing was scheduled for October 26, 2005.

On October 26, 2005, defendant appeared in open court, with counsel, and advised the undersigned that he had decided not to raise any issues by way of pretrial motions. He thereupon waived his rights to file pretrial motions and to have a pretrial hearing.

Whereupon,

**IT IS HEREBY ORDERED** that the motion of the government for a pretrial determination of the admissibility of evidence (Doc. 11) is denied as moot.

**IT IS HEREBY RECOMMENDED** that the motion of defendant to suppress evidence and statements (Doc. 15) be denied as moot.

The parties are advised they have ten (10) days to file written objections to this Order and Recommendation. The failure to file objections may result in a waiver of the right to appeal issues of fact.



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DAVID D. NOCE  
UNITED STATES MAGISTRATE JUDGE

Signed on October 27, 2005.